



**Town of Mansfield
Community Quality of Life Committee
Thursday, February 12, 2009
7:00 pm
Mansfield Town Hall
Council Chambers**

Members Present: Michael Beal, Bruce Clouette, David Morse, Stephen Rhodes, Dana White

Staff: Matthew Hart, John Jackman, Rob Miller, Michael Nintean, Gregory Padick

1. The meeting was called to order at 7:05pm.
2. D. White was appointed recording secretary.
3. B. Clouette moved approval of the January 22, 2009 minutes, seconded by D. Morse.
4. **Opportunity for Public to Address the Committee:** No public comments.
5. **Chairperson's Report:** Town Manager, M. Hart offered a report from the Town Attorney as an update regarding the property that burned down at the intersection of Rt. 95 and Rt. 44. The landlord holds 7 violations. M Nintean was asked to survey staff to the committee and will be working with the committee further. [UNCLEAR]
General Comment from Zoning: G. Padick clarified the role of Zoning in a situation such as this. He commented that the Zoning office is not pre active and in a situation where a house might be converted, they are unable to take any action until there is a violation. He was not familiar with the house in question. There was a question of a second site with a similar issue. M. Nintean expanded, implying that there were two separate issues here. The first being 1620 Storrs Road, which is not a legal 2-family home. The property owner of this site was unable to get zoning approval because he does not reside in the home. As it stands, the building is boarded and an insurance settlement has recently been finalized. This house could possibly be converted into a single family certificate of occupancy. As such, only 4 unrelated persons may reside in the home. The second site mentioned was an owner occupied residence on North Eagleville and Stafford Road where there was a fire. The insurance settlement at this site has been finalized and the intention is to knock down the building and reconstruct a home of similar size. This residence is different than the first mentioned due to the fact that it is not a student rental and a father and his children resided there. D. Morse questioned if the committee should seek the opinion of the town attorney to explore a more robust penalty. G. Padick responded that the only option is a citation ordinance, which would mean that you would need to document each time there is a violation. This could mean going out to the residence every single day. M. Nintean added that every single day is a violation and that an occupancy provision in the housing code could make it a criminal matter. For this, a concrete definition of family needs to be constructed to make these violations a criminal offense.

M. Hart then spoke to the Spring Weekend Review Executive Summary submitted by the Student Life Committee. He mentioned that it was timely, inclusive and informative, providing a number of Key Recommendations geared towards making Spring Weekend a safer event. The recommendations included a town, university and student leadership establishing a standing committee co-chaired by representatives from the town and university, and ways to minimize non-UConn students and underage drinkers including taking measures such as limiting parking, temporarily closing access to the University, but understanding issues of civil liberties. It was estimated that approximately 6500 guests stayed in the dorms last year, and precautions to control the dorms more closely was suggested as well. M. Hart went on to say that the Board accepted the report and has handed it to the university to implement. S. Rhodes added that the committee wants to rather than just cut Spring Weekend off, try to contain it by eliminating unsanctioned events spilling over into other areas and more evenings (i.e. Willington Oaks on Wednesday night). The goal is to not let it spread and try to further reduce it to 2 nights only. The committee was asked to read the Executive Summary, but it is not an item that will be further discussed here. It is available online.

6. Discussion with Director of Health: Rob Miller: Director of Health, Eastern Highland Health District

Rob Miller gave a brief discussion on the issue on off-campus housing around the university and regulations that apply only to rental properties, not owner-occupied properties. He cited a number of provisions, and mentioned that the Housing Dept. generally takes the lead on housing complaints, but the Health Dept. comes in for issues such as lead paint, septic, and contamination. There is an enforcement process, and when there is a complaint, it is often the parent who calls. The Health Dept. informs the parent that the tenant needs to call to set up a time to investigate the property. Once the tenant does so, an investigation takes place, and a notice of violation is issued. A deadline is given depending on the severity of the issue. An order may also be issued which reiterates the violation and deadline, but allows for a civil suit to be filed for compliance. In a civil suit, the taxpayers do not pay anything, and costs incurred by private attorneys are covered.

7. (b) Water

On the issue of Occupancy: The housing code is more conservative than the health code. The Health Dept does not care how many individuals live in a residence; it is about whether or not the property can handle it. M. Beal questioned what other health issues the dept. handles. R. Miller replied that mold, asbestos and lead, especially in a home where children reside are common problems. The department also tests and analyzes the water. A second question regarding the standards for water was raised. R. Miller answered that the dept cannot compel anyone to test their water unless there is a complaint. Water also does not need to be tested with a property sale. D. Morse posed a question regarding how often the water is tested after a complaint. R. Miller responded that the water could be tested possibly 10 times a year, not less than five but certainly not more than 100 times. They are testing for volatile organics, and this is paid for by the state, or taxpayers. D. Morse queried that a landlord could ask the tenants to complain to have the water tested.

R. Miller agreed that testing the wells every 2 years is realistic. They cannot compel a landlord to regulate the drinking water. The reality is, drinking water can change, and anything can change the quality.

R. Miller was then asked to comment on the situation at Willington Oaks.

There was a bacterial contamination of the infrastructure of 2 drilled wells. This was possibly due to a failed septic system whose construction was flawed. R. Miller was not certain on how the Health Dept. got involved, possibly reports of illness, quality of water of a violation from the state that regulates the community water supply. S. Rhodes clarified that the office is complaint driven. R. Miller reported that they have 4 ½ staff, and that there are 2 levels of connectivity to the government. A question was then raised regarding how the housing code can be used to proactive in situations such as the one that occurred in Willington Oaks. R. Miller responded that such situations cannot really be predicted, and therefore recommends keeping the testing of the water at 24 months, not 48 months. The water should be tested every time the septic is pumped.

D. Morse raised concern about small time landlords and how the cost of testing water every two years would be much more burdensome to them. R. Miller responded that the reality is that we are talking about ingesting a substance, a potential risk to occupants. An acute event can occur and make people sick very quickly. Owners need to be held to a higher standard in protecting the health of their occupants. S. Rhodes suggested there needs to be some reasonable testing.

M. Nintean commented on the experience of water testing. He mentioned that this was a major place where landlords have felt it is unnecessary and burdensome. There has been far more negative feedback on these provisions. There have been very few problems, and these provisions only apply to single family dwellings. R. Miller added that there are many small food businesses in town that are not under state health provisions, and they test once a year. D. Morse commented that as a community, we need to be aware of red flags. The shotgun approach of the Health Dept. does not seem appropriate. S. Rhodes also commented, disagreeing. He suggested that a clean record is not much of an argument, and that 2 years is a reasonable standard for water testing.

7. (b) Discussion of Septic

R. Miller discussed that a septic system should be pumped every 3-5 years depending on the size of the family. The septic must be pumped or it will fail, either into the yard or the house. The reality is that many owners do not pump their septic, but you must pump it to give it an infinite life. The recommendation is every 2 years is reasonable. A septic system is supposed to separate solids and liquids and if you pump it excessively, it will not decrease efficiency. Some things to do to maintain a septic system include pumping it with regular frequency and being watchful of what is flushed. M. Nintean added that although he defers to R. Miller for his expertise in frequency, he suggests that it would be better administratively to keep the water testing to every 2 years and the septic to every 4 years.

The committee stands unanimously on the issue of the septic being pumped every 4 years, but divided on the issue of testing water every 2 years. D. Morse dissenting, arguing in favor of small time property owners. It was decided that it will be further discussed at the next meeting with the full committee.

M. Nintean briefly added that the water and septic are the most complained about issues. However, the housing code, as a document, works tremendously and does not need to be fixed if not broken.

7. (a) Public Safety Ordinance:

John Jackman, Director of Emergency Management spoke to the Amendments to the Special Police Ordinance. S. Rhodes questioned the enforceability and effectiveness of the ordinance. J. Jackman suggested that by calling a party an event and making the property owner a responsible person could affect change. He mentioned that there will be appropriate times to use the ordinance, and other times where it may be questionable. S. Rhodes questioned what would be the cost to the property owner. J. Jackman estimated approximately \$60 per hour, per officer. He added that the goal is to get the attention and help people be better neighbors. The ordinance is not meant to be punitive, but more of a deterrent and also as cost recovery. D. Morse questioned if the ordinance is designed for chronic complaints. J. Jackman responded that when defining an event, it means only 1 single night, so an event a week later would be considered a separate event. What to do about repeat offenders needs to be considered, but there are constitutional rights involved.

The committee decided to report back to town counsel in favor of the amendments.

8. Minutes Procedure Discussion: The committee decided to defer talking about minutes until all are present.

9. Meeting Schedule for 2009: Recommendation to have a set schedule for the year. Query about possibly changing the day of the week to a Wednesday

10. Next Steps: The committee discussed that it is important not to get distracted from the task at hand. B. Clouette suggested that much data has been gathered; the committee has recognized holes and now needs to formulate a work plan for the next few months.

11. Opportunity for Public to Address the Committee:

Mike Sikoski agreed with the Public Safety Ordinance except for the responsibility of the landlord. He argued that the responsible party should be the tenants, and it is unjust to hold somebody who was not there responsible. He also suggested that the housing inspections be eliminated entirely due to the fact that it creates excessive costs to the landlords who do take care of their properties. The town should not be able to tell homeowners to take care of the septic and water, a better idea would be to educate them to take care of it themselves.

12. Adjournment

Meeting adjourned at 8:45pm